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Arguments/Remarks

This response to the non-final rejection mailed April 10, 2007 is being filed concurrently with a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.37(b).

Claims 1, 6, 13, 15, 16, 22, 23, 29, 31 and 42 have been amended. Claims 2 and 17 have been canceled and merged into claim 1 and 16, respectively. Claims 5, 8, 12, 14, 21, 24, 28 and 30 have been canceled and rewritten as independent claims 43-50, respectively. Claims 1, 3, 4, 6, 7, 9-11, 13, 15, 16, 18-20, 22, 23, 25-27, 29 and 31-50 are in the application upon entry of this amendment. Entry of this amendment, and reexamination and reconsideration of the present application are respectfully requested in light of the above-indicated amendments and the following remarks.

The Applicant acknowledges with thanks the Examiner's findings that claims 32-41 are allowed.

Claims 5, 6, 8, 12-15, 21-24 and 28-31 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claims 5, 8, 12, 14, 21, 24, 28 and 30 have been rewritten in independent form as claims 43-50, respectively. Additionally, claim 6 has been amended to depend from claim 43. Claim 13 has been amended to depend from claim 45. Claim 15 has been amended to depend from claim 46. Claims 22 and 23 have been amended to depend from claim 47. Claim 29 has been amended to depend from claim 49. Claim 31 has been amended to depend from claim 50. In view of the foregoing, a finding that claims 6, 13, 15, 22, 23, 29, 31 and 43-50 are allowed is believed to be warranted and is respectfully requested.

Claims 1, 16 and 42 have been amended. Claim 1 has been amended by merging claim 2 into it. Claim 16 has been amended by merging claim 17 into it. Claims 1 and 16 have been further amended to specify that the polymer filaments comprise polyolefin filaments or polyamide filaments. Claim 42 has also been amended to specify that the polymer filaments comprise polyolefin filaments or polyamide filaments. Support for these amendments can be found in the Applicant's specification at page 25, line 17 to page 26, line 4.

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Claims 1-4, 7, 9-11, 16-20, 25-27 and 42 have been rejected under 35 U.S.C. §102(b) as anticipated by Ford et al. (U.S. Patent 6,067,781). The rejection with respect to claims 2 and 17 is now moot in view of the cancellation of these claims. The rejection with respect to the remaining claims is respectfully traversed.

Ford et al. discloses a saddle pad 10 that includes a hinge band 16. The pad material is a random piling of continuously extruded thermoplastic polymer filaments, with polyvinyl chloride being specifically disclosed. See, column 3, lines 34-65. The reference does not disclose that the thermoplastic polymer filaments can be polyolefin filaments or polyamide filaments as specified in the Applicant's amended claims 1, 16 and 42. Accordingly, the Applicant's amended claims 1, 16 and 42 are not anticipated by Ford et al. Claims 3, 4, 7 and 9-11 depend from claim 1 and are not anticipated by Ford et al. for at least the same reasons as claim 1. Claims 18-20 and 25-27 depend from claim 16 and are not anticipated by Ford et al. for at least the same reasons as claim 16.

Withdrawal of the rejection of claims 1, 3, 4, 7, 9-11, 16, 18-20, 25-27 and 42 as anticipated by Ford et al. is believed to be warranted and is respectfully requested.

The Examiner indicates that claims are rejected under 35 U.S.C. §102(e) as anticipated by Burgunder et al. (U.S. Patent 6,883,284). The Examiner has not, however, indicated which claims have been rejected under Burgunder et al. Clarification of this rejection is respectfully requested. Alternatively, withdrawal of the rejection is respectfully requested.

Applicants respectfully submit that the application is now in condition for allowance. A Notice of Allowance is respectfully requested. Any additional fees required for the filing of this paper may be charged to Deposit Account No. 18-0988. In the event the Examiner would like to discuss any matter involving this application with the undersigned attorney, he is invited to contact the undersigned attorney by telephone.

Respectfully submitted,

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